REMARKS

Claims 21-47 are pending in the application. By this paper, claim 21 has been amended and new claim 48 has been added. Reconsideration and allowance of claim 21-48 is respectfully requested.

Prior Art Rejection

Claims 21 and 23-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent number 6,297,524 to Vathulya, et al. ("Vathulya"). Reconsideration of these rejections is respectfully requested.

Claim 21 has been amended to further clarify the features of this invention over the disclosure of Vathulya. New claim 48 has been added to further claim the disclosed subject matter.

The present invention relates to a capacitance structure which is relatively easy to fabricate and provides improved accuracy in measured capacitance. The claimed configuration features an electrically conductive region in the form of a homogeneous, cohesive elevation (paragraph [0012] of US Patent publication no. 2005/0208728A1). Relative to the structure disclosed by Vathulya, the claimed method and apparatus have no metal areas produced by patterning the metallization planes. Vathulya teaches depositing and etching metal layers repeatedly to form conductive lines of the capacitive structure (Vathulya, column 4, lines 24-58). Those steps are unnecessary in accordance with the presently claimed invention.

Further, the currently claimed invention provides for a higher level of accuracy for the capacitance to be achieved. This is because, by not using masks and pattern etching as in Vathulya, the inaccuracies in the alignment of the metal masks do not affect the value of the capacitance achieved. The capacitance of Vathulya's capacitive structure is subject to the inaccuracies introduced by mask misalignment.

When comparing the independent claim 21 with Vathulya, the Office Action has identified the element 32 as shown in Figs. 3 and 4 of Vathulya with the electrically conductive region of previous claim 21. However, the electrically conductive region of previous claim 21 is

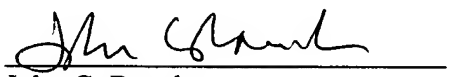
shown as one of the elements la - lj, 2a - 2j in Figs. 1 to 3 or one of the elements designated as 31a -36a of Fig. 5 or one of the elements 5a - 5f of Fig. 10 of the present application. All of these elements in the present application represent electrically conductive regions which are connected at one end to an electrically conducting element in one of the first metallization plane or the second metallization plane, wherein the other end of the electrically conductive region is not connected to any electrically conducting element in one of the first or second metallization planes but is rather embedded within the insulating layer.

In contrast to this, the elements 32 as shown in Figs. 3 and 4 of document Vathulya do not comprise a free end which is surrounded by the insulating layer. The elements 32 are rather connected at both their ends with electrically conductive elements in one of the metallization planes. In new claim 48, "electrically conducting elements" have been recited in the metallization planes. In an exemplary case, these can be the metal plates 1 and 2 in Fig. 1.

Therefore it is respectfully submitted that the invention defied by amended claim 21 and new claim 48 is novel and inventive over the cited prior art. Reconsideration and allowance of the pending claims are respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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